

HOUSE BILL 2379  
By Winningham

AN ACT to amend Tennessee Code Annotated, Title 49, relative to the enactment of the "Education Reform Act of 2002".

WHEREAS, It is the intent of the General Assembly to ensure that all Tennessee children will be able to read proficiently by the end of the third grade and will continue to develop reading and writing proficiency throughout their school experience; and

WHEREAS, It is the intent of the General Assembly to further the above goal by pursuing the following:

- (1) Establish statewide expertise in teaching reading and writing;
- (2) Support a balanced reading program that includes the teaching of phonemic awareness, systematic phonics, vocabulary and background knowledge, fluency, reading comprehension, motivation, and reading to learn;
- (3) Provide a high quality professional development system to support every teacher;
- (4) Provide tools and materials to enable teachers to monitor the progress of individual students, analyze student needs, identify students who are not making adequate progress, and use appropriate intervention strategies;

(5) Support improved teaching of reading and writing in grades kindergarten through eight; and

(6) Encourage parents to play an integral role in supporting their children in learning to read and write; and

WHEREAS, The General Assembly desires to improve upon the community-based early childhood education pilot programs authorized by the General Assembly and administered and monitored by the Tennessee department of education in order to continue to provide children with the skills necessary for success in the regular public school curriculum; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the Education Reform Act of 2002.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following new section:

Section 49-6-1014.

(a) The course of instruction in all public schools, kindergarten (K) through grade eight (8), shall include reading instruction sufficient to help each student read proficiently pursuant to the standards established by the state board of education. Such course of instruction shall include annual, developmentally appropriate diagnostic methods for assessing the reading and writing skills of each student, including those eligible for English language learner programs or for special education.

(b) The state board of education shall establish by rule and policy a reading initiative for kindergarten (K) through grade eight (8) that includes at a minimum:

(1) Clear content and performance standards for student reading proficiency;

(2) Specific qualifications, requirements and standards for the teaching of reading;

(3) Developmentally appropriate diagnostic methods for assessing and monitoring the individual reading development of all children and identifying students who are having reading difficulties;

(4) Effective, developmentally appropriate instruction and intervention for all students based on their individual needs as identified by use of approved diagnostic methods;

(5) Training and support of all educators employed or supervising instruction in such grades in the use and application of developmentally appropriate reading diagnostic, instructional and intervention methods;

(6) Notification to parents of their child's level of reading proficiency and any intervention that may be deemed necessary to ensure such child's ability to meet reading proficiency standards;

(7) Encouragement of parents to play an integral role in supporting their children in learning to read and write; and

(8) A system of annual reporting, pursuant to Section 49-1-211, of the results of the reading initiative established by this section, including summary information from the reports by schools to local boards of education required by subdivision (d)(4) of this section.

(c) The commissioner of education shall have the following duties and responsibilities in implementing the reading initiative:

(1) Recommending reading diagnostic methods for adoption by the state board for use in grades kindergarten (K) through eight (8) that provide for assessing the reading and writing development of all students, including those eligible for English language learner programs or special

education, and for approval of methods for use instead of those adopted by the state board of education, provided that such methods are equal or superior in quality and effectiveness;

(2) Developing guidelines in accordance with state board policy for local education agencies to follow in implementing the reading initiative established by the state board pursuant to this section; such guidelines shall include:

(A) Administration of reading diagnostics to assess and monitor student reading and writing development;

(B) Training of educators in the use and application of developmentally appropriate reading diagnostic methods;

(C) Provision of support to teachers in the use of the results of reading diagnostic methods to develop instructional programming for all students, including students who are eligible for English language learner programs and students eligible for special education;

(D) Design of intensive and targeted intervention programs for students who are identified as having reading difficulties; and

(E) Reporting of results of the reading instructional program; and

(3) Recommending to the state board guidelines for the responsibilities, and establishing criteria for the selection of reading personnel who shall receive compensation for their services.

(d) The director of each local education agency responsible for the administration of schools serving students in kindergarten (K) through grade

eight (8) shall, in conformance with the rules, policies and guidelines established by the state board and the commissioner of education pursuant to this section, direct such schools to:

(1) Assess and monitor the individual reading development of all children and identify individual students who are having difficulty reading;

(2) Provide effective, developmentally appropriate instruction and intervention for all students based on their individual needs;

(3) Notify parents and guardians in writing of their child's reading progress and, in the case of a student determined to have difficulty reading, provide such student's parent or guardian a brief written description at the beginning of the school year of such difficulty and the intervention to be provided to ensure such student's ability to meet reading proficiency standards;

(4) Report to the local board of education at the beginning of the school year the number of students identified as less than proficient in reading and at the end of the school year the reading development of all students; and

(5) Include in their school improvement plans strategies to meet the needs identified in reports to the local board of education.

(e) Until such time as provision has been made as described in Section 49-3-359(d) through the basic education program formula for the funding of the reading initiative established by this section, the commissioner is authorized to make grants to local education agencies for the support of reading coordinators subject to guidelines established by the state board and subject to appropriation. Such guidelines shall include provision for application to the commissioner by

local education agencies to use such funds as may be made available under this section for other areas of instruction upon demonstration that:

- (1) Student performance in reading exceeds the standards established by the state board;
- (2) The proposed alternative area or areas of instruction are subject to the accountability provisions of Title 49, Chapter 1, Part 6; and
- (3) Student performance in the proposed area of instruction does not meet the standards established by the state board or otherwise indicates a risk of failure by students to meet the graduation requirements of Section 49-6-6001.

SECTION 3. Tennessee Code Annotated, Section 49-3-359, is amended by inserting the following language as a new, appropriately designated subsection immediately following subsection (c) and by redesignating subsequent subsections accordingly:

( )

- (1) Beginning July 1, 2004, there is included in the Tennessee basic education program an amount of money sufficient to fund at least one (1) reading coordinator for each four hundred (400) students in kindergarten (K) through eighth (8<sup>th</sup>) grade or one (1) reading coordinator for each local education agency (LEA) serving such students, whichever is greater. There is further included an amount of money sufficient to fund developmentally appropriate diagnostic methods for assessing the reading and writing skills of all students pursuant to Section 49-6-1013.
- (2) The commissioner of education shall develop criteria for the selection of teachers applying to be reading coordinators.

(3) The commissioner shall develop and recommend to the state board, for its approval, policies regarding the duties and responsibilities of reading coordinators.

(4) A reading coordinator shall be a full-time licensed employee of the school at the time of selection and shall continue performing such employee's regular duties.

(5) A reading coordinator shall receive a stipend for performance of the additional duties.

(6)

(A) A local education agency must utilize the funds provided for reading coordinators for reading improvement purposes or must advise the department of education that the local education agency has affirmatively determined not to do so, in which case the local education agency shall notify the department of the election against providing such program and the alternative arrangement which the local education agency has made to meet the reading needs of its students.

(B) Any local education agency may also, at its option, in lieu of implementing the program provided for in this subsection, receive grants in an equivalent amount pursuant to the safe schools program provided in Section 49-1-214.

#### SECTION 4.

(a) To deal with severe reading deficiencies in individual schools, there is established a pilot program to provide grants to fund full-time trained reading teachers. Grants shall be made for three-year periods and may be renewed based on the needs of the individual school compared with the needs of other schools with similar reading deficiencies.

(b) The reading teacher program shall be a phased-in, multi-year program, conducted according to the following schedule, subject to availability of funding:

(1)

(A) Before the beginning of the 2002-2003 school year, the commissioner of education shall identify up to one hundred (100) schools in the state offering classes in grades kindergarten (K) through three (3) which have demonstrated low performance in reading in these grades. Each such school shall be eligible to have placed in the school for a period of three (3) years one (1) full-time reading teacher. The local education agency operating each identified school shall be responsible for selecting a teacher to attend a reading institute during the summer of 2002 to qualify as a reading teacher. The principals of the selected schools shall also attend the institute.

(B) In the fall of 2002, the reading teachers trained in the summer of 2002 shall be assigned to the selected schools as full-time reading teachers for a three (3) year period.

(2)

(A)

(i) In the summer of 2002, a second group of up to one hundred (100) additional teachers shall be selected and trained as specified in subsection (b)(1) and placed in schools offering classes in grades kindergarten (K) through six (6) which have demonstrated low performance in reading in these grades. The schools shall be selected as specified in subsection (b)(1). The principals of the selected schools shall also attend the institute.



(ii) In the fall of 2003, the reading teachers trained during the summer of 2003 shall be assigned to the selected schools as full-time reading teachers for a three (3) year period.

(B) Also during the summer of 2003, classroom teachers teaching in grades kindergarten (K) through three (3) who wish to attend summer reading institutes for instruction in improved reading teaching techniques may do so, subject to availability of places.

(3)

(A)

(i) In the summer of 2004, a third group of up to one hundred (100) additional teachers shall be selected and trained as specified in subsection (b)(1) and placed in schools offering classes in grades kindergarten (K) through eight (8) which have demonstrated low performance in reading in those grades. The schools shall be selected as specified in subsection (b)(2). The principals of the selected schools shall also attend the institute.

(ii) In the fall of 2004, the reading teachers trained during the summer of 2004 shall be assigned to the selected schools as full-time reading teachers for a three (3) year period.

(B) Also during the summer of 2004, classroom teachers teaching in grades kindergarten (K) through six (6) who wish to attend summer reading institutes for instruction in improved reading teaching techniques may do so, subject to availability of places.

(4)

(A)

(i) In the summer of 2005 and subsequent summers, additional teachers may be selected and trained as needed to provide reading teachers in the schools authorized by this section to have reading teachers. Other teachers may be trained as reading teachers based on need and availability of funds. The principals of any new schools selected for the reading teacher program shall also attend the institutes in the year the school is selected.

(ii) Subject to continued funding and a satisfactory evaluation of the program as provided for in this section, in the fall of 2004 and at the beginning of subsequent years, reading teachers may continue to be assigned to up to three hundred (300) low-performing schools selected as provided in subsection (b)(1). Assignments in the 2005-2006 and subsequent school years shall be for three (3) year terms as full-time reading teachers. Any school which previously was assigned a reading teacher may apply for a continuation of such funding, based on selection of that school as specified in subsection (b)(1).

(B) Also during the summer of 2005, and subsequent summers, classroom teachers teaching in grades kindergarten (K) through eight (8) who wish to attend summer reading institutes for instruction in improved reading teaching techniques may do so, subject to availability of places.

(c)

(1) The commissioner of education shall develop criteria for the selection of teachers applying to be reading teachers.

(2) The commissioner shall develop and recommend to the state board, for its approval, policies regarding the duties and responsibilities of reading teachers.

(3) The state board is encouraged to allow teachers credit toward licensure renewal for attendance at summer reading institutes.

(d) It is the intent of the general assembly that schools selected for participation in the reading teacher program be balanced geographically across the state and include schools in at least three (3) local education agencies in each grand division.

(e)

(1) Support materials and diagnostic tools shall be provided with state funds for all reading teachers provided through Section 4 of this act.

(2) Each classroom teacher who attends and successfully completes a summer reading institute program shall receive a three hundred fifty dollar (\$350) one-time state grant for reading-specific supplies and materials.

(f) In the first and second years of implementation of each phase of the reading teacher program, the state shall pay all costs associated with the reading teacher program. Thereafter, as the program is phased in to eligible schools and to all grades kindergarten (K) through eight (8) for third and subsequent years of whichever phase of the program is current, the cost of the program shall be subject to a twenty-five percent (25%) match by the local education agencies, adjusted for the local education agencies' fiscal capacity according to the BEP formula. The match requirement may be satisfied by local or contributed funds or by personnel or volunteers or by other in-kind expenses assumed by, or on behalf, of the local education agency.

(g) In the summer of 2002, the commissioner of education shall be responsible for arranging the summer reading institutes. In subsequent years, summer reading institutes shall be provided as specified in Section 5.

#### SECTION 5.

(a) No later than May 1, 2003, the commissioner of education shall contract with at least one (1) institution of higher education in each of the three (3) grand divisions to provide ongoing professional development in reading.

(b) Each regional center shall:

(1) Gather information on research in reading;

(2) Disseminate information on reading and best practices in reading instruction and training;

(3) Prepare and conduct workshops to train teachers in reading;

- (4) Provide on-site targeted assistance to schools within the service area;
- (5) Provide consultation for schools without a designated reading teacher on-site; and
- (6) Report to the state department, the state board, and the office of education accountability on training and other programs offered by the center.

#### SECTION 6.

(a) To oversee and implement the reading initiative programs of the Education Reform Act of 2002, there is created the office of reading and literacy in the department of education.

(b) The office of education accountability in the office of the comptroller is also authorized to evaluate the effectiveness of the reading initiative programs of the Education Reform Act of 2002, and to perform such other studies or evaluations regarding that and other programs authorized by the Education Reform Act of 2002 as it may be directed to do so by the governor and the general assembly.

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 3, Part 3, is amended by adding the following new section:

Section 49-3-367. Beginning July 1, 2004, the grants provided to local education agencies statewide under the Education Reform Act of 2002 and not otherwise designated for inclusion in the basic education program, shall be subject to a twenty-five percent (25%) match by the local education agencies, adjusted for the local education agencies' fiscal capacity according to the BEP formula. The match requirement may be satisfied by local or contributed funds or by personnel or volunteers or by other in-kind expenses assumed by, or on behalf, of the local education agency. State funding shall also be subject to submission by the local education agency to the commissioner of education of a proposed plan of expenditures as described in the act. The commissioner shall not unreasonably withhold funding, but shall allow local education

agencies adequate flexibility to experiment so long as the basic requirements of the grant programs are satisfied.

SECTION 8. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

SECTION 9. All provisions of this act are subject to appropriation of funds for that purpose. No provision of this act shall be considered an entitlement to any service or program authorized by this act unless funds are appropriated for such purpose.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.